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**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:00-cv-11322-RBC**

Traylor v. Pepe, et al
Assigned to: Magistrate Judge Robert B. Collings
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/29/2000
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Napier D. Traylor

represented by **Napier D. Traylor**
Souza-Baranowski Correctional Center
One Harvard Road
P.O. Box 8000
Shirley, MA 01464-8000
PRO SE

V.

Defendant

Peter Pepe

represented by **Stephen G. Dietrick**
MA Department of Correction
Legal Division
70 Franklin Street
Suite 600
Boston, MA 02110
617-727-3300
Fax: 617-727-7403
Email: sgdietrick@doc.state.ma.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Unidentified C.O. David
TERMINATED: 07/16/2002

represented by **Stephen G. Dietrick**
(See above for address)
TERMINATED: 07/16/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Unidentified C.O. Reponed
TERMINATED: 07/16/2002

represented by **Stephen G. Dietrick**
(See above for address)
TERMINATED: 07/16/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

https://ecf.mad.uscourts.gov/cgi-bin/DktRpt.pl?894913607052467-L_280_0-1



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Correctional Officer Hebner
TERMINATED: 07/16/2002

represented by **Stephen G. Dietrick**
(See above for address)
TERMINATED: 07/16/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Robert Tarantino

represented by **Stephen G. Dietrick**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lynn Lydstone

represented by **Bruce R. Henry**
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210
617-439-7500
Fax: 617-342-4851
Email:
alitchfield@morrisonmahoney.com
TERMINATED: 02/24/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Charles M. Urso
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250 Summer Street
Boston, MA 02210-1181
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617-422-5300
Fax: 617-423-6917
Email: coang@wemed.com
TERMINATED: 08/01/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Michael Maloney

represented by **Stephen G. Dietrick**

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(See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

Peter Pepe
Superintendent of MCI-Cedar Junction

represented by **Stephen G. Dietrick**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

Jane Perlov
Secretary of Public Safety
 TERMINATED: 07/19/2002

represented by **Stephen G. Dietrick**
 (See above for address)
 TERMINATED: 07/19/2002
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

Lynn Lydstone

Interested Party

Conrad V. Murphy

Defendant

Kathleen M. Dennehy

Defendant

Gary S. Hebda

Defendant

Robert Tarantino

Defendant

James Willette

Defendant

Adian Webb-Johnson

Date Filed	#	Docket Text
06/29/2000	1	Application/petition by Napier D. Traylor to proceed without prepayment of fees (in forma pauperis) . filed. (scj) (Entered: 07/06/2000)
08/15/2000	2	Judge Mark L. Wolf . Order entered granting [1-1] motion to proceed without prepayment of fees (in forma pauperis). It is further ordered that the clerk issue summons and the US marshal serve the complaint with a copy of this order upon the defendants at the directions of the plaintiff. cc/pla [EOD Date 8/16/00] (scj) (Entered: 08/16/2000)

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08/15/2000	4	Complaint filed in accordance with order no. 2. Case assigned to Judge: Wolf. . Fee Status: Waived (scj) (Entered: 08/16/2000)
08/15/2000	5	Affidavit of Napier D. Traylor of Napier D. Traylor re: [4-1] complaint . filed. (scj) (Entered: 08/16/2000)
08/16/2000	3	Notice for payment of prisoner filing fee issued to the Treasurer at MCI Cedar Junction . cc/pla, accounting and MCI Cedar Junction (scj) (Entered: 08/16/2000)
10/25/2000	6	Letter to clerk from Mr. Richard Cepulonis of MCI Cedar Junction requesting thata the docket sheet be mailed to him, FILED. (ktb) (Entered: 10/30/2000)
11/02/2000		Judge Mark L. Wolf . Endorsed Order entered granting [8-1] motion to extend time to 11/30/00 to respond to the complaint cc/cl.. [EOD Date 11/9/00] (ktb) (Entered: 11/09/2000)
11/03/2000		Judge Mark L. Wolf . Endorsed Order entered granting [9-1] motion for exemption from LR 7.1. cc/cl. [EOD Date 11/9/00] (ktb) (Entered: 11/09/2000)
11/06/2000	7	Notice of appearance of attorney for Peter Pepe, David, Reponsed, Hebner, Robert Tarantine by Stephen G. Dietrick, filed. (fmr) (Entered: 11/07/2000)
11/06/2000	8	Motion by Peter Pepe, David, Reponsed, Hebner, Robert Tarantine to extend time to 11/30/00 to repsond to the complaint , filed. Referred to Judge Mark L. Wolf (fmr) (Entered: 11/07/2000)
11/06/2000	9	Motion by Peter Pepe, David, Reponsed, Hebner, Robert Tarantine for exemption from LR 7.1 , filed. Referred to Judge Mark L. Wolf (fmr) (Entered: 11/07/2000)
12/01/2000	10	Motion by Peter Pepe, David, Reponsed, Hebner, Robert Tarantine for a more definite statement , filed, c/s. (ktb) (Entered: 12/01/2000)
12/22/2000	11	Motion by Lynn Lydstone to dismiss complaint , filed, c/s. (ktb) (Entered: 12/26/2000)
01/16/2001	12	Judge Mark L. Wolf . Order entered denying [10-1] motion for a more definite statement. Defts shall, by 2/23/01, respond to pltf's three filings as though they were a single, intergrated complaint. This order is without prejudice to the right of those named as defts to move to dismiss for lack of service, among other things. cc/cl. [EOD Date 1/16/01] (ktb) (Entered: 01/16/2001)
01/30/2001	13	Letter by Napier D. Traylor to: Judge Wolf, filed. (ktb) (Entered: 02/01/2001)
02/20/2001	14	Judge Mark L. Wolf . Order entered . [EOD Date 2/21/01] "...by 3/9/01, the deft Peter Peper shall inform the court whether: pltf's allegations have been investigated; there is any evidence that plaintiff has been threatened or beaten and whtat action, if any, he intends to take concerning Traylor's

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		request for a transfer." cc: all counsel of record. (eaf) (Entered: 02/21/2001)
02/23/2001	15	Motion by Peter Pepe, David, Reponsed, Hebner, Robert Tarantine, Lynn Lydstone to extend time to 3/2/01 to respond to pltf's complaint , filed, c/s. (ktb) (Entered: 02/26/2001)
02/28/2001		Judge Mark L. Wolf. Endorsed Order entered granting [15-1] motion to extend time to 3/2/01 to respond to pltf's complaint cc/cl. [EOD Date 3/1/01] (ktb) (Entered: 03/01/2001)
03/08/2001	17	Answer by Peter Pepe, Robert Tarantine, Michael Maloney, Peter Pepe to complaint; jury demand, filed. (ktb) (Entered: 03/13/2001)
03/09/2001	16	Letter by Napier D. Traylor dated: 3/9/01 to Judge Wolf with attached letters to Superintendent Peter A. Pepe, Jr. FILED. (ktb) (Entered: 03/12/2001)
03/10/2001	19	Letter by Napier D. Traylor dated: 3/7/01 filed. (ktb) (Entered: 03/16/2001)
03/13/2001	18	Letter by Stephen Dietrick dated: 3/9/01 to: Judge Wolf in response to the 2/20/01 Order, FILED. (ktb) (Entered: 03/13/2001)
03/21/2001	20	Pltf's Request (non motion) prod of docs filed. (eaf) (Entered: 03/21/2001)
03/21/2001	21	Pltf's Request (non motion) answers to interrogatories filed. (eaf) (Entered: 03/21/2001)
04/19/2001	22	Judge Mark L. Wolf. Order entered. On March 9, 2001, pltf filed a motion for divorce. This court does not have jurisdiction, pursuant to Ankenbarandt v. Richards, 504 U.S 689 (1992), to issue divorce and alimony decrees or child divorce (docket 16) is hereby Denied. CC/CL. [EOD Date 4/25/01] (ktb) (Entered: 04/25/2001)
06/08/2001	23	Motion by Napier D. Traylor to compel discovery , filed, c/s. (with pltf's first request for production of docs) (ktb) (Entered: 06/11/2001)
06/18/2001	24	Response by Peter Pepe, David, Reponsed, Hebner, Robert Tarantino, Lynn Lydstone, Michael Maloney, Peter Pepe, Jane Perlov in opposition to [23-1] motion to compel discovery , filed, c/s. (ktb) (Entered: 06/18/2001)
06/21/2001	25	Wolf, DJ Order entered. Parties to report by July 13, 2001 re consent to proceed before C.M.J. Robert B. Collings. Any failure to respond by the foregoing date will be deemed a consent. (ktb) (Entered: 06/29/2001)
06/21/2001		Judge Mark L. Wolf. Endorsed Order entered denying [23-1] motion to compel discovery. "Denied, without prejudice to resubmission after pltf provides the automatic discovery required by L.R. 26.2. In addition, the parties shall each submit proposed schedules for the case by July 31, 2001." cc/cl. [EOD Date 7/2/01] (ktb) (Entered: 07/02/2001)
07/03/2001	26	Consent to trial by Magistrate by Napier D. Traylor, filed. (ktb) (Entered: 07/03/2001)

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		07/05/2001)
07/23/2001	27	Judge Mark L. Wolf. Order entered. case is hereby REASSIGNED to Chief Magistrate Judge Collings for all purposes. cc/cl. [EOD Date 7/24/01] (ktb) (Entered: 07/24/2001)
07/24/2001	28	Notice of case assignment. Case reassigned from Judge Wolf to Mag. Judge Robert B. Collings . (ktb) (Entered: 07/24/2001)
07/30/2001		Mag. Judge Robert B. Collings . Endorsed Order entered granting [11-1] motion to dismiss complaint. "Allowed, no opposition having been filed and the court being unable to discern any claims stated against deft Lydstone any in the complaint. [EOD Date 7/31/01] (ktb) (Entered: 07/31/2001)
08/07/2001	29	Motion by Lynn Lydstone for a separate and final judgment , filed, c/s. (ktb) (Entered: 08/07/2001)
08/14/2001	30	Mag. Judge Robert B. Collings . Scheduling Order entered setting automatic discovery by 9/14/01; written discovery by 10/15/01; expert discovery served by 12/21/01, completed by 1/31/02; defendant's motion for summary judgment by 2/22/02; defendant's motion for summary judgment by 2/29/02; reply memorandums by 4/12/02. [EOD Date 8/15/01] (mr) (Entered: 08/15/2001)
08/17/2001	31	Response by Napier D. Traylor in opposition to [29-1] motion for a separate and final judgment , filed. (kf) (Entered: 08/22/2001)
08/17/2001	32	Motion by Napier D. Traylor for relief from judgment , filed. c/s (kf) (Entered: 08/22/2001)
08/28/2001	33	Motion by Napier D. Traylor to amend [4-1] complaint , filed. (kf) (Entered: 09/13/2001)
09/13/2001	34	Mag. Judge Robert B. Collings . Procedural Order entered re: Any opposition/response to the motion for leave to amend filed by the plaintiff on August 28, 2001 must be filed and served on or before the close of business on Friday, September 21, 2001. [EOD Date 9/14/01] cc/cl (kf) (Entered: 09/14/2001)
09/24/2001	35	Response by Lynn Lydstone in opposition to [33-1] motion to amend [4-1] complaint, filed, c/s. (ktb) (Entered: 09/24/2001)
10/15/2001		Mag. Judge Robert B. Collings . Endorsed Order entered denying [29-1] motion for a separate and final judgment . [EOD Date 10/16/01] (kf) (Entered: 10/16/2001)
10/15/2001		Mag. Judge Robert B. Collings . Endorsed Order entered denying [32-1] motion for relief from judgment . [EOD Date 10/16/01] (kf) (Entered: 10/16/2001)
10/15/2001		Mag. Judge Robert B. Collings . Endorsement re: [33-1] motion to amend [4-1] complaint. "See order entered this date." cc/cl (kf) (Entered: 10/16/2001)

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10/15/2001	<u>36</u>	Mag. Judge Robert B. Collings . Memorandum and Order entered. granting [33-1] motion to amend [4-1] complaint [EOD Date 10/16/01] cc/cl (kf) (Entered: 10/16/2001)
10/15/2001	<u>37</u>	Amended complaint by Napier D. Traylor filed. . Amended complaint amends [4-1] complaint. (kf) (Entered: 10/16/2001)
10/25/2001	<u>38</u>	Affidavit of Napier D. Traylor, FILED. (ktb) (Entered: 10/29/2001)
12/04/2001	<u>39</u>	Answer by Lynn Lydstone to amended complaint, filed.; jury demand FILED, c/s. (ktb) (Entered: 12/05/2001)
01/10/2002	<u>40</u>	Motion by Napier D. Traylor for leave for discovery , filed. c/s (kf) (Entered: 01/14/2002)
01/10/2002	<u>41</u>	Certificate of Consultation re: [40-1] motion for leave for discovery , filed. c/s (kf) (Entered: 01/14/2002)
01/14/2002		Mag. Judge Robert B. Collings . Endorsed Order entered denying [40-1] motion for leave for discovery. "DENIED. Pursuant to the Scheduling Order, written discovery had to be served by 10/10/01." [EOD Date 1/15/02] (kf) (Entered: 01/15/2002)
01/23/2002	<u>42</u>	Motion by Napier D. Traylor to extend time to conduct discovery , filed. (kf) Modified on 01/25/2002 (Entered: 01/25/2002)
02/12/2002	<u>43</u>	Mag. Judge Robert B. Collings. Second Scheduling Order entered. [EOD Date 2/13/02] cc/cl (kf) (Entered: 02/13/2002)
02/12/2002		Mag. Judge Robert B. Collings . Endorsed Order entered granting [42-1] motion to extend time to conduct discovery "Allowed to the extent provided in the second scheduling order entered this date, otherwise, denied." [EOD Date 2/13/02] cc/cl (kf) (Entered: 02/13/2002)
02/20/2002	<u>44</u>	Motion by Napier D. Traylor for appointment of counsel , filed. (kf) (Entered: 02/22/2002)
02/20/2002	<u>45</u>	Memorandum of law by Napier D. Traylor re: in support of motion for appointment of counsel, filed. (kf) (Entered: 02/22/2002)
02/20/2002	<u>46</u>	Letter by Napier D. Traylor dated: 2/18/02 to: clerk filed. (kf) (Entered: 02/22/2002)
02/20/2002	<u>47</u>	Letter by Napier D. Traylor dated: 2/18/02 to: M.J. Collings filed. (kf) (Entered: 02/22/2002)
02/20/2002	<u>48</u>	Certificate of service by Napier D. Traylor re: [40-1] motion for leave for discovery , filed. (kf) (Entered: 02/22/2002)
02/20/2002	<u>51</u>	Interrogatories of defendant Lynn Lydstone filed by plaintiff. (kf) (Entered: 02/26/2002)
02/20/2002	<u>52</u>	Interrogatories of defendant Peter Pepe filed by plaintiff. (kf) (Entered: 02/26/2002)
02/20/2002	<u>53</u>	Interrogatories of defendant Robert Tarantino filed by plaintiff. (kf)

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		(Entered: 02/26/2002)
02/20/2002	54	Request (non motion) for admissions filed by plaintiff. (kf) (Entered: 02/26/2002)
02/20/2002	55	Interrogatories of defendant Michael T. Maloney the commissioner of Massachusetts Department of Correction filed by plaintiff. (kf) (Entered: 02/26/2002)
02/20/2002	56	Interrogatories of defendant James Willette filed by plaintiff. (kf) (Entered: 02/26/2002)
02/20/2002	57	Interrogatories of defendant Adrian Webb-Johnson filed by plaintiff. (kf) (Entered: 02/26/2002)
02/20/2002	58	Interrogatories of defendant Kathleen M. Dennehy acting Deputy Commissioner filed by plaintiff. (kf) (Entered: 02/26/2002)
02/20/2002	59	Request (non motion) for admissions filed by plaintiff. (kf) (Entered: 02/26/2002)
02/25/2002	49	Mag. Judge Robert B. Collings. Order entered. "...The plaintiff has filed requests for admissions and interrogatories directed to various defendants in this case. The Clerk is directed to docket the filings..." [EOD Date 2/26/02] cc/cl (kf) (Entered: 02/26/2002)
02/25/2002	50	Request (non motion) for admissions by plaintiff, filed. (kf) (Entered: 02/26/2002)
04/03/2002	60	Motion by Peter Pepe, David, Reponsed, Hebner, Robert Tarantino, Lynn Lydstone, Michael Maloney, Peter Pepe, Jane Perlov to extend time to May 15, 2002 to respond to pltf's ints , filed, c/s. (ktb) (Entered: 04/10/2002)
04/17/2002	61	Letter by Napier D. Traylor to: Magistrate Judge Collings filed. (kf) (Entered: 04/23/2002)
04/23/2002	62	Motion by Napier D. Traylor to compel discovery , filed. c/s (kf) (Entered: 04/23/2002)
04/23/2002	63	Motion by Napier D. Traylor for entry of default , filed. c/s (kf) (Entered: 04/23/2002)
04/25/2002		Mag. Judge Robert B. Collings . Endorsed Order entered denying [62-1] motion to compel discovery . [EOD Date 4/26/02] Notice sent to counsel. (kf) (Entered: 04/26/2002)
04/25/2002		Mag. Judge Robert B. Collings . Endorsed Order entered denying [63-1] motion for entry of default . [EOD Date 4/26/02] Notice sent to counsel. (kf) (Entered: 04/26/2002)
04/25/2002		Mag. Judge Robert B. Collings . Endorsed Order entered granting [60-1] motion to extend time to May 15, 2002 to respond to pltf's interrogatories and request for admission. [EOD Date 4/30/02] (ktb) (Entered: 04/30/2002)

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05/16/2002		Mag. Judge Robert B. Collings . Endorsed Order entered denying [44-1] motion for appointment of counsel . [EOD Date 5/17/02] Notice sent to counsel. (kf) (Entered: 05/17/2002)
06/07/2002	64	Motion by Napier D. Traylor to amend [4-1] complaint , filed. c/s (kf) (Entered: 06/11/2002)
06/07/2002	65	Motion by Napier D. Traylor for service by certified mail , filed. c/s (kf) (Entered: 06/11/2002)
06/07/2002	66	Memorandum of law by Napier D. Traylor re: in support of motion for appointment of counsel, filed. c/s (kf) (Entered: 06/11/2002)
07/01/2002	67	Motion by Napier D. Traylor for entry of default as to Peter Pepe et al , filed. (ktb) (Entered: 07/08/2002)
07/01/2002	68	Motion by Napier D. Traylor to compel discovery , filed, c/s. (ktb) (Entered: 07/08/2002)
07/01/2002	69	Copy of Letter by Napier D. Traylor dated: 6/1/02 to: Ms. Lynn Lydstone re production of documents, filed. (ktb) (Entered: 07/08/2002)
07/02/2002	70	Amended complaint by Napier D. Traylor filed. (Answer due 7/12/02 for Jane Perlov, for Peter Pepe, for Michael Maloney, for Lynn Lydstone, for Robert Tarantino, for Hebner, for Reponsed, for David, for Peter Pepe) . Amended complaint amends [37-1] amended complaint ; adding Kathleen M. Dennehy, Gary S. Hebda, Robert Tarantino, James Willette, Adian Webb-Johnson . (ktb) (Entered: 07/09/2002)
07/08/2002		Mag. Judge Robert B. Collings . Endorsed Order entered granting [64-1] motion to amend [4-1] complaint. "Allowed, no opposition having been allowed." [EOD Date 7/9/02] (ktb) (Entered: 07/09/2002)
07/09/2002		Mag. Judge Robert B. Collings . Endorsed Order entered denying [67-1] motion for entry of default as to Peter Pepe et al. "DENIED without prejudice." [EOD Date 7/19/02] (ktb) (Entered: 07/19/2002)
07/16/2002	71	Mag. Judge Robert B. Collings. Order of Dismissal, entered....To the extend that "David Undidentified C.O." Responded, "Unidentified C.O." "Hebner, Unidentified C.O. and "Jane Perlov, Secretary of Public Safety" were ever names as defts in this action, it is ORDERED that all claims against them be, and the same hereby are, DISMISSED. cc/cl. [EOD Date 7/17/02] (ktb) Modified on 07/19/2002 (Entered: 07/17/2002)
07/19/2002		Attorney Bruce R. Henry unterminated. Reopened due to: clerical error. (ktb) (Entered: 07/19/2002)
07/19/2002		Party Lynn Lydstone unterminated. Reopened due to: clerical error. (ktb) (Entered: 07/19/2002)
07/19/2002	72	Mag. Judge Robert B. Collings . Order entered denying [68-1] motion to compel discovery. [EOD Date 7/19/02] (ktb) (Entered: 07/19/2002)
07/24/2002	73	Motion by Peter Pepe, Robert Tarantino, Michael Maloney, Peter Pepe, Kathleen M. Dennehy, Gary S. Hebda, Robert Tarantino, James Willette,

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		Adian Webb-Johnson, Lynn Lydstone to vacate [72-1] order , filed, c/s. (ktb) (Entered: 07/26/2002)
07/29/2002	74	Memorandum of law by Napier D. Traylor re: pursuant to Fed.R.Civ.P. 12(b)(6)(c) filed. (kf) (Entered: 07/31/2002)
07/29/2002	75	Memorandum of law by Napier D. Traylor re: in support of motion for appointment of counsel, filed. c/s (kf) (Entered: 07/31/2002)
07/29/2002	76	Letter by Napier D. Traylor dated: July 28, 2002 to: Clerk filed. (kf) (Entered: 07/31/2002)
07/31/2002		Mag. Judge Robert B. Collings . Endorsed Order entered denying [76-1] letter motion for appointment of counsel. [EOD Date 8/6/02] Notice sent to counsel. (kf) (Entered: 08/06/2002)
07/31/2002	77	Mag. Judge Robert B. Collings . Memorandum and Order entered. "...Accordingly, counsel for the Department of Corrections is ORDERED to file and serve, on or before the close of business on Wednesday, August 14, 2002, a pleading setting forth the means by which prisoners engaged in pro se litigation and the plaintiff who is litigating the instant pro se in particular are able to make sufficient copies of their pleadings so as to be able to serve copies on opposing counsel." [EOD Date 8/6/02] cc/cl (kf) Modified on 08/06/2002 (Entered: 08/06/2002)
08/06/2002	78	Letter by Stephen G. Dietrick dated: August 6, 2002 to: Clerk re: Exhibit B filed. (kf) (Entered: 08/08/2002)
08/09/2002	79	Motion in letter form by: Napier Traylor dated: August 8, 2002 for appointment of counsel , filed. (kf) (Entered: 08/14/2002)
08/16/2002	80	Motion by Napier D. Traylor, Robert Tarantino, Lynn Lydstone, Michael Maloney, Peter Pepe, Kathleen M. Dennehy, Gary S. Hebda, Robert Tarantino, James Willette, Adian Webb-Johnson, Lynn Lydstone for leave to file one day late their response to the Court's 7/31/02 Memorandum and Order , FILED, c/s. filed. (ktb) (Entered: 08/20/2002)
08/16/2002	81	Reply/response by Peter Pepe, Robert Tarantino, Lynn Lydstone, Michael Maloney, Peter Pepe, Adian Webb-Johnson, Lynn Lydstone to [77-1] memorandum order , filed. (ktb) (Entered: 08/20/2002)
08/21/2002		Mag. Judge Robert B. Collings . Endorsed Order entered granting [80-1] motion for leave to file one day late their response to the Court's 7/31/02 Memorandum and Order . [EOD Date 8/28/02] (kf) (Entered: 08/28/2002)
08/21/2002		Mag. Judge Robert B. Collings . Endorsed Order entered granting [73-1] motion to vacate order on motion to compel discovery. "Allowed, no opposition having been filed." [EOD Date 8/28/02] (kf) (Entered: 08/28/2002)
08/22/2002	82	Mag. Judge Robert B. Collings . Order to Show Cause entered. "...Accordingly, the plaintiff is ORDERED to show cause, in writing, on or before the close of business on Friday, September 6, 2002, why the

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		Court should not find a violation of Rule 11(b)(3), Fed.R.Civ.P., and impose sanctions against the plaintiff for the violation." [EOD Date 8/28/02] cc/cl (kf) (Entered: 08/28/2002)
08/28/2002	83	Motion by Lynn Lydstone to vacate [72-1] order of July 19, 2002 , filed. c/s (kf) (Entered: 09/05/2002)
08/28/2002	84	Affidavit of Bruce R. Henry , re: [83-1] motion to vacate [72-1] order of July 19, 2002 , filed. (kf) (Entered: 09/05/2002)
08/30/2002	85	Motion by Napier D. Traylor to waive summons and complaint on defendants by certified mail and request to serve by regular first class or institutional mail , filed. (kf) (Entered: 09/10/2002)
08/30/2002	86	Motion by Napier D. Traylor for summary judgment , filed. (kf) (Entered: 09/11/2002)
08/30/2002	87	Letter by Napier D. Traylor dated: 8/15/02 to: Judge Collings re: in opposition to motion for summary judgment filed. (kf) (Entered: 09/11/2002)
09/06/2002		Mag. Judge Robert B. Collings . Endorsed Order entered granting [83-1] motion to vacate [72-1] order of July 19, 2002 . [EOD Date 9/10/02] Notice sent to counsel. (kf) (Entered: 09/10/2002)
09/10/2002	89	Proposed voir dire questions by Napier D. Traylor , filed. (kf) (Entered: 12/13/2002)
09/10/2002	90	Affidavit of Napier D. Traylor, filed. (kf) (Entered: 12/13/2002)
09/10/2002	91	Motion by Napier D. Traylor for civil trial , filed. (kf) (Entered: 12/13/2002)
09/10/2002	92	Motion by Napier D. Traylor for issuance of a common-law lien , filed. (kf) (Entered: 12/13/2002)
09/10/2002	93	Memorandum of facts by Napier D. Traylor filed. (kf) (Entered: 12/13/2002)
09/10/2002	94	Affidavit of Napier D. Traylor, filed. (kf) (Entered: 12/13/2002)
09/10/2002	95	Affidavit of Miguel Perez, filed. (kf) (Entered: 12/13/2002)
09/10/2002	96	Plaintiff's Addendum, filed. (kf) (Entered: 12/13/2002)
10/24/2002	88	Letter by Napier D. Traylor to M.J. Collings dated: October 1, 2002 filed. (kf) (Entered: 10/28/2002)
12/12/2002		Mag. Judge Robert B. Collings . Endorsed Order entered denying [86-1] motion for summary judgment . [EOD Date 12/12/02] Notice sent to counsel. (kf) (Entered: 12/12/2002)
12/12/2002		Mag. Judge Robert B. Collings . Endorsed Order entered denying [85-1] motion to waive summons and complaint on defendants by certified mail and request to serve by regular first class or institutional mail . [EOD Date 12/12/02] (kf) (Entered: 12/12/2002)

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12/12/2002		Mag. Judge Robert B. Collings . Endorsed Order entered denying [79-1] motion for appointment of counsel . [EOD Date 12/12/02] (kf) (Entered: 12/12/2002)
12/12/2002		Mag. Judge Robert B. Collings . Endorsed Order entered denying [65-1] motion for service by certified mail . [EOD Date 12/12/02] (kf) (Entered: 12/12/2002)
12/26/2002		Mag. Judge Robert B. Collings . Endorsed Order entered granting [91-1] motion for civil trial . [EOD Date 12/27/02] (kf) (Entered: 12/27/2002)
12/26/2002		Mag. Judge Robert B. Collings . Endorsed Order entered denying [92-1] motion for issuance of a common-law lien . [EOD Date 12/27/02] (kf) (Entered: 12/27/2002)
05/20/2003	<u>97</u>	MEMORANDUM OF LAW by Napier D. Traylor in Support of Motion for Appointment of Counsel. (Dolan, Kathleen) (Entered: 05/27/2003)
07/21/2003	<u>98</u>	MOTION to Reopen Case by Napier D. Traylor. (Patch, Christine) (Entered: 07/24/2003)
07/21/2003	<u>99</u>	AFFIDAVIT of Napier D. Traylor, Jr. in Support re <u>98</u> MOTION to Reopen Case. (Patch, Christine) (Entered: 07/24/2003)
07/21/2003	<u>100</u>	MOTION for Summary Judgment by Napier D. Traylor.(Patch, Christine) (Entered: 07/24/2003)
07/21/2003	<u>101</u>	AFFIDAVIT of Napier Traylor in Support re <u>100</u> MOTION for Summary Judgment. (Patch, Christine) (Entered: 07/24/2003)
08/13/2003	<u>102</u>	MOTION for Extension of Time to 9/26/03 to respond to pltf's motion to reopen case and motion for summary judgment by Gary S. Hebda, Hebner, Lynn Lydstone, Michael Maloney, Peter Pepe, FILED, c/s. (Boyce, Kathy) (Entered: 08/15/2003)
09/02/2003		Judge Robert B. Collings : ELECTRONIC ORDER entered granting <u>102</u> Motion for Extension of Time (Dolan, Kathleen) (Entered: 09/09/2003)
09/26/2003	<u>103</u>	MOTION for Extension of Time to 10/3/03 to File their opposition to pltf's motion for summary judgment, by David, Kathleen M. Dennehy, Gary S. Hebda, Lynn Lydstone, Michael Maloney, Peter Pepe, FILED, c/s.(Boyce, Kathy) (Entered: 09/30/2003)
10/01/2003		Judge Robert B. Collings : ELECTRONIC ORDER entered granting <u>103</u> Motion for Extension of Time to File Opposition to Motion for Summary Judgment up to October 3, 2003. (Dolan, Kathleen) (Entered: 10/06/2003)
10/03/2003	<u>104</u>	MEMORANDUM in Opposition re <u>100</u> MOTION for Summary Judgment filed by Kathleen M. Dennehy, Gary S. Hebda, Lynn Lydstone, Michael Maloney, Peter Pepe, Robert Tarantino, Adian Webb-Johnson, James Willette, FILED, c/s. (Boyce, Kathy) (Entered: 10/07/2003)
10/03/2003	<u>105</u>	Defts' STATEMENT of Undisputed and Disputed Material Facts

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		Pursuant to Local Rule 56.1, FILED, c/s. (Boyce, Kathy) (Entered: 10/07/2003)
10/03/2003	<u>106</u>	AFFIDAVIT of Robert Tarantino in Opposition to <u>101</u> Affidavit of Napier D. Taylor in Support of Motion for Summary Judgment, FILED, c/s. (Boyce, Kathy) (Entered: 10/07/2003)
10/03/2003	<u>107</u>	AFFIDAVIT Of James Willette in Opposition to <u>101</u> Affidavit in Support of Motion for Summary Judgment, FILED, c/s. (Boyce, Kathy) (Entered: 10/07/2003)
10/03/2003	<u>108</u>	AFFIDAVIT of Adrian Webb-Johnson in Opposition to <u>100</u> MOTION for Summary Judgment filed by Kathleen M. Dennehy, Gary S. Hebda, Lynn Lydstone, Michael Maloney, Peter Pepe, FILED, c/s. (Boyce, Kathy) (Entered: 10/07/2003)
10/10/2003	<u>109</u>	MOTION to Reopen Case, by Napier D. Traylor, FILED, cs.(Boyce, Kathy) (Entered: 10/21/2003)
10/10/2003	<u>110</u>	MEMORANDUM in Opposition to [29] Motion for Separate and Final Judgment, filed by Napier D. Traylor, c/s. (Boyce, Kathy) (Entered: 10/21/2003)
10/10/2003	<u>111</u>	AFFIDAVIT in Support of <u>109</u> MOTION to Reopen Case, FILED, c/s. (Boyce, Kathy) (Entered: 10/21/2003)
10/10/2003	<u>112</u>	Joint REPORT of Early Meeting, by Napier D. Traylor, FILED, c/s. (Boyce, Kathy) (Entered: 10/21/2003)
10/10/2003	<u>113</u>	MOTION for Oral Argument re <u>109</u> MOTION to Reopen Case by Napier D. Traylor, FILED, c/s.(Boyce, Kathy) (Entered: 10/21/2003)
10/10/2003	<u>114</u>	MOTION for issuance of a common-law lien, by Napier D. Traylor, FILED, c/s.(Boyce, Kathy) (Entered: 10/21/2003)
10/10/2003	<u>115</u>	Proposed Document(s) submitted by Napier D. Traylor received for filing. Document received: Proposed Scheduling Order. (Boyce, Kathy) (Entered: 10/21/2003)
10/31/2003	<u>116</u>	MOTION for Extension of Time to prepare for a Speedy Trial by Napier D. Traylor.(Folan, Karen) (Entered: 11/10/2003)
10/31/2003	<u>117</u>	AFFIDAVIT of Napier D. Traylor in support of his summary judgment and the burden of proof be in the plaintiff favor. (Folan, Karen) (Entered: 11/10/2003)
01/06/2004	<u>118</u>	MOTION for Extension of Time to 1/27/04 to File Response/Reply as to <u>100</u> MOTION for Summary Judgment by Napier D. Traylor, FILED, c/s. (Boyce, Kathy) (Entered: 01/06/2004)
01/12/2004		Judge Robert B. Collings : ELECTRONIC ORDER entered granting <u>118</u> Motion for Extension of Time to File Response to Defendant's Opposition to Plaintiff's Motion for Summary Judgment up to 1/27/2004. (Dolan, Kathleen) (Entered: 01/13/2004)

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02/04/2004	<u>120</u>	MOTION for Change of Venue by Napier D. Traylor, FILED, c/s. (Boyce, Kathy) (Entered: 02/13/2004)
02/04/2004	<u>121</u>	MOTION for Partial Summary Judgment by Napier D. Traylor, FILED, c/s.(Boyce, Kathy) (Entered: 02/13/2004)
02/04/2004	<u>122</u>	MOTION of Interested Third Party to Intervene as a Representative for the Pltf, or in the alternative, for court appointed counsel, by Napier D. Traylor, FILED, c/s.(Boyce, Kathy) (Entered: 02/13/2004)
02/04/2004	<u>123</u>	AFFIDAVIT of Conrad V. Murphy in Support re <u>122</u> MOTION to Intervene filed by Conrad V. Murphy, FILED, c/s. (Boyce, Kathy) (Entered: 02/13/2004)
02/04/2004	<u>124</u>	EXHIBITS re <u>121</u> MOTION for Summary Judgment by Napier D. Traylor, FILED. (Boyce, Kathy) (Entered: 02/13/2004)
02/10/2004	<u>119</u>	NOTICE of Appearance by Charles M. Urso on behalf of Lynn Lydstone (Folan, Karen) (Entered: 02/12/2004)
02/20/2004	<u>125</u>	Opposition re <u>120</u> MOTION to Change Venue filed by Lynn Lydstone. (Folan, Karen) (Entered: 02/26/2004)
02/20/2004	<u>126</u>	Opposition re <u>122</u> MOTION to Intervene filed by Lynn Lydstone. (Folan, Karen) (Entered: 02/26/2004)
02/24/2004		Judge Robert B. Collings : ELECTRONIC ORDER entered denying <u>98</u> Motion to Reopen Case. The case has never been closed. (Dolan, Kathleen) (Entered: 02/24/2004)
02/24/2004		Judge Robert B. Collings : ELECTRONIC ORDER entered denying <u>100</u> Plaintiff's Motion for Summary Judgment. (Dolan, Kathleen) (Entered: 02/24/2004)
02/25/2004	<u>128</u>	Opposition to MOTION to Change Venue filed by Gary S. Hebda, Michael Maloney, Peter Pepe, Robert Tarantino, Adian Webb-Johnson, James Willette, FILED, c/s. (Boyce, Kathy) (Entered: 03/01/2004)
02/25/2004	<u>129</u>	Opposition to <u>122</u> MOTION to Intervene filed by Gary S. Hebda, Michael Maloney, Peter Pepe, Robert Tarantino, Adian Webb-Johnson, James Willette, FILED, c/s. (Boyce, Kathy) (Entered: 03/01/2004)
02/25/2004	<u>130</u>	Opposition re <u>121</u> MOTION for Summary Judgment filed by Gary S. Hebda, Michael Maloney, Peter Pepe, Robert Tarantino, Adian Webb-Johnson, James Willette, FILED, c/s. (Boyce, Kathy) (Entered: 03/01/2004)
02/25/2004	<u>131</u>	Affidavit of Gary Hebda, employee of the Mass. Department of Correction, FILED. (Boyce, Kathy) (Entered: 03/01/2004)
02/26/2004	<u>127</u>	MOTION to File Late their Oppositions to Pltf's Motion of Interested third-party to Intervene as a Representative for the Pltf by Gary S. Hebda, Michael Maloney, Peter Pepe, Robert Tarantino, Adian Webb-Johnson, James Willette, FILED, c/s.(Boyce, Kathy) (Entered: 03/01/2004)

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03/01/2004	<u>132</u>	MOTION for Extension of Time to March 12, 2004 to file opposition to motion for summary judgment by Lynn Lydstone.(Folan, Karen) (Entered: 03/08/2004)
03/03/2004		Judge Robert B. Collings : ELECTRONIC ORDER entered granting <u>127</u> Motion for Extension of Time to File Response/Reply. (Dolan, Kathleen) (Entered: 03/04/2004)
03/12/2004	<u>133</u>	Opposition re <u>121</u> MOTION for Summary Judgment filed by Lynn Lydstone. (Folan, Karen) (Entered: 03/16/2004)
03/12/2004	<u>134</u>	STATEMENT of Undisputed and disputed material facts in opposition to <u>121</u> MOTION for partial Summary Judgment. (Folan, Karen) (Entered: 03/16/2004)
03/12/2004	<u>135</u>	Affidavit of Lynn Lydstone. (Folan, Karen) (Entered: 03/16/2004)
07/27/2004	<u>136</u>	MOTION to Strike, with exhibits in support, Deft Lynn Lydstone's Opposition to intervence as a representative for the pltf, or in the alternativem appointment of asst. U.S. Attorney by Conrad V. Murphy, FILED, c/s.(Boyce, Kathy) (Entered: 07/28/2004)
07/27/2004	<u>137</u>	MOTION to Strike <u>128</u> Opposition to Motion by Napier D. Traylor, FILED, c/s.(Boyce, Kathy) (Entered: 07/28/2004)
07/27/2004	<u>138</u>	MOTION to Strike <u>126</u> Opposition to Motion by Napier D. Traylor, FILED, c/s.(Boyce, Kathy) (Entered: 07/28/2004)
07/27/2004	<u>139</u>	MOTION to Strike <u>128</u> Opposition to Motion by Interested Party Conrad V. Murphy, FILED, c/s.(Boyce, Kathy) (Entered: 07/28/2004)
08/03/2004	<u>140</u>	NOTICE by Lynn Lydstone of <i>Change of Firm Name</i> (Urso, Charles) (Entered: 08/03/2004)
09/30/2004		Judge Robert B. Collings : ELECTRONIC ORDERS entered denying as Moot <u>109</u> Motion to Reopen Case; denying <u>113</u> Motion for Hearing; denying <u>114</u> Motion for Issuance of Lien; denying <u>116</u> Motion for Extension of Time; denying <u>120</u> Motion to Change Venue; denying <u>121</u> Motion for Summary Judgment; and denying <u>122</u> Motion to Intervene. (Dolan, Kathleen) (Entered: 09/30/2004)
02/24/2005	<u>141</u>	NOTICE of Withdrawal of Appearance Attorney Bruce R. Henry terminated. (Henry, Bruce) (Entered: 02/24/2005)
03/29/2005		Judge Robert B. Collings: Electronic ORDER entered denying <u>136</u> Motion to Strike, denying <u>137</u> Motion to Strike, denying <u>138</u> Motion to Strike, denying <u>139</u> Motion to Strike (Irwin, Nancy) (Entered: 04/01/2005)
03/31/2005		Judge Robert B. Collings: Electronic ORDER entered granting <u>132</u> Motion for Extension of Time (Irwin, Nancy) (Entered: 04/01/2005)

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PACER Service Center			
Transaction Receipt			
06/27/2005 15:44:01			
PACER Login:	md0304	Client Code:	murphy
Description:	Docket Report	Search Criteria:	1:00-cv-11322-RBC
Billable Pages:	9	Cost:	0.72



THE COMMONWEALTH OF MASSACHUSETTS
THE UNITED STATES DISTRICT COURT AND THE
UNITED STATES COURT OF APPEALS
ONE COURT HOUSE WAY, SUITE 2300 and 2500
BOSTON, MA 02210

THE UNITED STATES DISTRICT COURT AND
THE UNITED STATES COURT OF APPEALS

NAPIER TRAYLOR, PRO SE
PLAINTIFF

VS.

MICHAEL T. MALONEY, et als.
DEFENDANTS

CIVIL ACTION No. 00-11322-MLW

MOTION OF INTERESTED THIRD PARTY TO
INTERVENE AS A REPRESENTATIVE FOR
THE PLAINTIFF, OR IN THE ALTERNATIVE,
APPOINTMENT OF ASSISTANT UNITED
STATES ATTORNEY

Now comes an interested third party Conrad V. Murphy, and moves this Honorable Court to intervene as a party, pursuant to Fed. R. Civ. P. Rule 17 (a)(b)(c) and Rule 24 (a)(2), (b)(c), 28 U.S.C. § 542 (a).

As reasons thereof, the party states that he is entitled to intervention as a party, inasmuch, the party represents the legal interest of the plaintiff. The party contends that the plaintiff has very limited knowledge of the law, thus procedural complexities of civil law are beyond the comprehension the plaintiff.

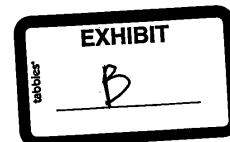
The end of justice would be best served in this case if the party be allowed to intervene to represent the plaintiff or in the alternative, appoint an assistant United States attorney to represent the plaintiff. In furtherance of establishing the party's right he relies on the attached affidavit.

JURISDICTION

1. "Party invokes pendent jurisdiction of this Court".
2. Also bases for jurisdiction, 28 U.S.C. § 1331 (Federal Question), 28 U.S.C. § 1343 (a)(1)(3)(4) (Civil Rights), 28 U.S.C. § 1367 (a) (Supplement Jurisdiction, also State and Federal Law), U.S.C.A. Const. Amends. 1, 8, 14 § 1, 42 U.S.C.A. §§ 1981, 1983, 1985, 1988, 28 U.S.C. § 2403 (a) 517-18-19 (The United States to intervene as a party to defend the Constitution), 28 U.S.C. § 1295 (a)(3, 5) (U.S. Court of Appeals Fed Circuit), U.S.C.A. Const. Art. 1, § 9, cl. 7, in accord with, 15 U.S.C.A. § 78ggg, in support of 31 U.S.C.A. § 321 and St. 1980, c. 257, § 1 et seq. in accord with, M.G.L.A. Const. Amend. Art. 63 § 1 et seq. (Treasury), 28 U.S.C. §§ 2201-2 (Declaratory Judgement), 26 U.S.C. § 7421 (a) (Anti Injunction Act), 28 U.S.C. § 1339 (Postal Matters), 28 U.S.C. § 542 (a) (Appointment of Assistant United States Attorney), 28 U.S.C. § 1357 (Injuries to Plaintiff), 28 U.S.C. § 1355 (a) (Enforcement), 28 U.S.C. § 1404 (a)(b)(c) (Change of Venue from Civil to Criminal), 28 U.S.C.A. § 651 nt (Authorization of Appropriations), 28 C.F.R. § 0.95 et seq., U.S.C.A. Const. Art. 6. cl. 2 (Supremacy Clause).

FIRST CAUSE OF ACTION

The plaintiff repeats and realleges in his First Amended Verified Civil Action Complaint the allegations set out in paragraphs numbered 1 through 19, inclusive, and incorporates them herein by reference.



(2)

SECOND CAUSE OF ACTION

The plaintiff repeats and alleges the defendants, and each of them, have by and through their acts and/or omissions, violated plaintiff's right to be free from excessive use of force and due process of law guaranteed by the First, Eighth and Fourteenth (Enforcement Clause) amendments to the United States Constitution.

THIRD CAUSE OF ACTION

The plaintiff repeats and realleges the defendants, and each of them, have by and through their acts and/or omissions, conspired to assault plaintiff. Violated plaintiff's State and federal rights to due process of law and to be free from the excessive use of force and punishments guaranteed under U.S.C.A. Const. Amend. 1 and M.G.L.A. Const. pt. 1, art. 19 (Due Process), U.S.C.A. Const. Amend. 8 and M.G.L.A. Const. pt. 1, Art. 26; Amend. Art. 116 (Excessive Force and Unusual Punishment); 42 U.S.C.A. §§ 1983, 1985 and M.G.L.A. c. 265 § 37, U.S.C.A. Const. Amend. 14§1 (Enforcement, Color of State Law).

FOURTH CAUSE OF ACTION

The plaintiff repeats and realleges the defendants, and each of them, have by and through their acts and/or omissions, conspired to stop, steal or tamper with plaintiff's mail from reaching attorneys, courts, and other government officials, in violation of plaintiff's rights citing, 44 U.S.C. § 1507, and pursuant to 39 U.S.C.A. §§ 101-5605 (Postal Reorganization Act) (PRA §§ 401(1), 409(a)), 18 U.S.C. §§ 1341, 1343 (Mail Fraud), 18 U.S.C.A. § 371 (Conspiracy), 18 U.S.C. § 201(a)(3) (Official Act), 39 C.F.R. §§ 111.1, 111.4 (Domestic Mail Manual) (DMM §§ S010.4.2, S010.4.3), 17 U.S.C. § 1702, 28 C.F.R. §§ 540.71(a)(b) 2000 (Warden was held liable for acting under a "pretext" of "security").

FIFTH CAUSE OF ACTION

The plaintiff repeats and realleges the defendants, and each of them, have by and through their acts and/or omissions, assaulted plaintiff to get the plaintiff out of the shower, and continued to assault plaintiff and obstructed plaintiff's correspondence, violated plaintiff's civil rights and caused the plaintiff physical and emotional and mental injuries. Plaintiff further alleges the defendants, and each of them, have by and through their acts and/or omissions, continue to act under color of state law.

CLAIMS FOR RELIEF

Where, plaintiff requests this Honorable Court grant the following:

A) Issue a Prospective Mandatory Declaratory Judgement, that violated the United States Constitution, State Laws, Policies, Regulations, Program State-ments, Federally Protected Constitutional Rights; against the defendants, and each of them, have by and through their acts and/or omissions when they:

- 1) Assaulted the plaintiff;
- 2) Conspired to assault plaintiff and obstruct plaintiff's mail;

(3)

3) Did not remedy, review or investigate plaintiff's continuous complaints about intimidation, coercion, assault and obstruction of plaintiff's mail.

4) Violated the rights, privileges and immunities.

B) Issue a Prospective Mandatory Permanent Injunction, enjoining the defendants, their officers, agents, employees, successors and servants, and those acting in concert with the defendants, and ordering the immediate classification and transfer of plaintiff to any lower level state prison facility for the safety and security of the plaintiff, also from further assault of plaintiff and obstruction of plaintiff's mail, citing, 18 U.S.C. § 3626(b).

In addition, pursuant to the order by Wolf, D.J. from this Court dated February 20, 2001, citing, 28 U.S.C. § 1355(a).

B-1) Pursuant to Mandatory Declaratory Judgement, 26 U.S.C. § 7421(a) Anti-Injunction Act, does not prevent District Court from issuing a Declaratory Judgement. Where as an injunction might (would) moot plaintiff's request for a Prospective Mandatory and Injunctive Relief.

C) Relief in General, and Enhanced Damages, of \$ 500,000.00, against the defendants in their individual, official, personal, jointly and severally capacities and entities, also citing the (Bivens) claims, Federal Tort Claims Act for any Federal Official that works with state officials in the Department of Corrections of Massachusetts, pursuant to 42 U.S.C.A. §§ 1983, 1985 and Title VII; Massachusetts Civil Rights Act (MCRA), M.G.L.A. c. 12§§11-I statutory violation and U.S.C.A. Const. Amends. 1,8,14§1, for physical and emotional and mental injuries caused by the assault and obstruction of plaintiff's mail.

D) Grant Compensatory and General, and Enhanced Damages against the defendants in their individual, official, personal, jointly and severally capacities and entities, also citing the (Bivens) claims, and the Federal Tort Claims Act, for any Federal official that works with state officials in the Department of Correction of Massachusetts; pursuant to 42 U.S.C.A. §§ 1983, 1985 and Title VII; Massachusetts Civil Rights Act (MCRA), 231A§1 (State Declaratory Judgement), M.G.L.A. c. 12§§11-I statutory violation, also pursuant to U.S.C.A. Const. Amends. 1,8,14§1, also C.F.R.'s pertaining to said issues, judicial relief and remedial statutes under the enforcement clause; 28 C.F.R. §§ 0.95 et seq., U.S.C.A. Const. Art. 6. cl. 2 (Supremacy Clause) for the following;

1) \$ 500,000.00 against defendant Michael T. Maloney, previously the Commissioner for the Department of Corrections;

2) \$ 500,000.00 against defendant Peter A. Pepe, Jr., previously the Superintendent at MCI Cedar Junction;

3) \$ 500,000.00 against defendant Lynn Lydstone, previously a Nurse at MCI Cedar Junction;

4) \$ 500,000.00 against defendant Gary Hebda, Mail Room Officer at MCI Cedar Junction;

5) \$ 500,000.00 against defendant Robert Tarantino, SGT., Prison Official at MCI Cedar Junction;

CERTIFICATE OF SERVICE

I, Conrad V. Murphy, hereby swears that a true copy of the enclosed documents;

1) Motion of Interested Third Party to Intervene as a Representative for the plaintiff, or in the Alternative, Appointment of assistant United States Attorney;

2) Affidavit of Conrad V. Murphy;

Was forwarded to the defendants counsel, at MCI Cedar Junction, in Walpole, MA, Pro Se, by Certified Mail through the Institutions Mailing Processing System.

Dated: 1 / 23 / 2004

cc: By Certified Mail
7002 0510 0001 6096 1691

John Joseph Moakley
Clerk of Courts
The United States District Court
One Courthouse Way, Suite 2300
Boston, MA 02210

By Certified Mail
7002 0510 0001 6096 1660

Bruce R. Henry
250 Summer Street
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Stephen G. Dietrick
Deputy General Counsel
Legal Division
70 Franklin Street, suite 600
Boston, MA 02110-1300

File.

Respectfully Submitted,

Conrad V. Murphy
Conrad V. Murphy, #W-47737
Pro Se Litigant
MCI Cedar Junction
P.O. BOX 100
So. Walpole, MA 02071

Respectfully Submitted,

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